

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 21, 2004 (Paper No. 20040831). Upon entry of this response, claims 53-103 are pending in the application. In this response, claims 1-52 have been cancelled and claims 53-103 have been added. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. In-Person Examiner Interview

An in-person interview took place on December 16, 2004. The attendees were the Examiner Jonathan Ouellette, the Supervisory Examiner John Weiss, Applicants' representative Jeff Kuester, and inventor Scott Frank. The parties discussed the references of record, and claim amendments proposed by the Applicants. Applicants wish to thank Examiner Ouellette and Supervisory Examiner Weiss for their time.

2. Rejection of Claims 1, 17, 24, 50, and 52 under 35 U.S.C. §101

Claims 1, 17, 24, 50, and 52 have been rejected under §101 as allegedly being directed to non-statutory subject matter. Claims 1, 17, 24, 50, and 52 have been cancelled. Therefore, Applicants request that the rejection be withdrawn.

3. Rejection of Claims 1-52 under 35 U.S.C. §103

Claims 1-52 have been rejected under §103(a) as allegedly obvious over *Asplen, Jr.* (U.S. 6,044,354) in view of *Harshaw* (U.S. 2001/0010041 A1). Claims 1-52 have been cancelled. Therefore the rejection is moot, and Applicants request that the rejection be withdrawn. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to

pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

The Office Action states that “Asplen and Harshaw fail to expressly show wherein the contract management system is to generate a report based at least in part on the contract track record. However, such business reporting was well known at the time the invention was made.” (Office Action, p. 7, paragraphs 24-25; and p. 8, paragraphs 29-30). Applicants respectfully traverse this finding that “such business reporting was well known at the time the invention was made.” The Office Action’s failure to recite documentary evidence supporting this feature is in itself evidence that the feature should not be considered well-known to one of ordinary skill in the art. Applicants cite as further evidence the fact that the Office Action did not include specific factual findings predicated on sound technical and scientific reasoning to support the conclusion. Such specific findings and reasoning are required by MPEP § 2144.03(A).

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 53-103 be allowed to issue. Although some dependent claim rejections and some obviousness rejections are explicitly addressed above, the omission of arguments for other claims is not intended to be construed as an implied admission that the Applicants agree with the rejection or finding of obviousness for the respective claim or claims. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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